

FROST & MILLER, LLP

Attorneys at Law
260 Madison Avenue, 16th Floor
New York, New York 10016
Tel: (646) 597-6277
Fax: (646)-597-6276

April 7, 2015

VIA ECF


Honorable Robert M. Levy
United States Magistrate Judge
225 Cadman Plaza East, R. 1223-S
Brooklyn, New York

Re: Flores and Dukes v. Five Star Carting, LLC, et al.
Docket No. 14-CV-2970 (PKC)

Dear Judge Levy:

Plaintiffs' counsel letter to the Court dated April 3, 2015 improperly misconstrues my prior letter to the Court dated March 31, 2015 as an improper sur-reply. Contrary to the lengthy, erroneous allegations in Plaintiffs' counsel's letter, my letter was written solely to point out to the Court that it should not determine Plaintiffs' motion for leave to file a second amended complaint until the motion to certify is decided since the proposed second amended complaint is based upon the same false and baseless allegations as Plaintiff's motion to certify and if the motion to certify is denied then those baseless allegations also warrant the denial of Plaintiffs' motion for leave to amend.

Respectfully,


Kenneth N. Miller